

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
NEWARK DIVISION**

DANNY DATTILO,

Plaintiff,

v.

NOVARTIS PHARMACEUTICALS
CORPORATION,

Defendant.

No. 2:20-cv-03163-WJM-MF

ORAL ARGUMENT REQUESTED

PLAINTIFF'S MOTION TO REMAND

PLEASE TAKE NOTICE that Plaintiff Danny Dattilo will move on May 18, 2020, or as soon as can be heard, for an order remanding the instant matter to the Superior Court of New Jersey, Morris County.

As set forth in the concurrently filed supporting memorandum, declaration, and exhibits, Defendant Novartis Pharmaceuticals Corporation improperly removed this action, because the forum defendant rule, codified in 28 U.S.C. § 1441(b)(2), prevents removal based on diversity jurisdiction because Novartis is a citizen of New Jersey and was properly served before it attempted to remove this action. In improperly removing this action, Novartis made affirmative misrepresentations to this Court that it had not been served, when in fact it had. Therefore, this case should be remanded, and Plaintiff respectfully requests that he be awarded him reasonable fees and costs in bringing this motion.

Plaintiff makes this motion based on the accompanying memorandum of law, declaration, exhibits, and any oral argument, if granted, in this matter.

Dated: April 16, 2020

Respectfully Submitted,

PARKER WAICHMAN LLP

By: /s/Melanie H. Muhlstock

Melanie H. Muhlstock
PARKER WAICHMAN LLP
6 Harbor Park Drive
Port Washington, NY 11050
(516) 466-6500
(516) 466-6665 (fax)
mmuhlstock@yourlawyer.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I certify that on this 15th day of April 2020, I electronically filed the foregoing document with the Clerk of the Court and a copy of the foregoing was served upon all counsel of record by using the CM/ECF system.

/s/Melanie H. Muhlstock
Melanie H. Muhlstock

Attorney for Plaintiff